S.B.Civil Revision Petition No.261/2006

Gotam Bheel.

vs.

Smt. Noori and others.

Date : 2.8.2007

HON'BLE MR. PRAKASH TATIA, J.

Mr.T Gupta, for the petitioner.
Mr.S Saruparia, for the respondents.

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Heard learned counsel for the parties.

This revision petition has been filed to challenge the orders dated 4.4.2006 and 13.4.2006 whereby in execution of the award passed by the Motor Accident Claims Tribunal, the Tribunal straight away passed the order of civil imprisonment of judgment debtor. The said order on the face of it was absolutely illegal in gross violation of the legal provisions and such a harsh order was passed and that too was executed by the Court in hot haste.

Learned counsel for the respondents could not justify the order with the help of any legal provision.

In view of the above, this revision petition is allowed and the orders dated 4.4.2006 and 13.4.2006 are quashed. The claimants may submit appropriate application for sending the certificate to the appropriate authority for recovery of the amount in accordance with law and the trial court shall not execute the award itself.

For any other relief for which the petitioner may be entitled to, regarding any compensation etc. because of his detention, then he may avail the other remedy for obtaining the relief in accordance with law.

(PRAKASH TATIA), J.

S.Phophaliya